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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,978	06/10/2004	Lydia Breck	03292.101070.3	3977

66569 7590 08/17/2007  
FITZPATRICK CELLA (AMEX)  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

NEWTON, JARED W

ART UNIT	PAPER NUMBER
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3692

MAIL DATE	DELIVERY MODE
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08/17/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/709,978	BRECK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jared W. Newton	3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 May 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This final rejection is in reply to the remarks filed May 21, 2007, by which claims 1 and 2 were amended.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 and 2 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In regard to claim 1, the newly added recitation, "wherein the primary account comprises a primary account number and the secondary transaction number is configured to facilitate a plurality of transactions," is not supported by the specification as originally filed.

The limitation should be canceled, and has not been considered herein.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3692

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

*insomuch as understood in view of the 35 U.S.C. § 112 Rejections above, Claims*

1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No.

5,826,241 to Stein et al. (Stein).

In regard to claim 1, Stein discloses a method and payment system for facilitating secure financial transactions between two users (i.e. a merchant and customer) over the internet; the transaction of funds occurs via messages sent between the users (see FIGS. 5 and 6A-Q). The system employs a front end program 90 and a back end program 92, wherein the front end program provides only limited information regarding a user's account (credit or other), providing a user with heightened security by isolating the account identifying information (see FIG. 3; see Abstract). Within said method and system, Stein discloses a method for dispute handling comprising the steps of: receiving a dispute from a first party (see col. 11, line 54 – col. 12, line 7) relating to a transaction involving a secondary transaction number 142 or 144 (see col. 7, lines 58-67) associated with at least one primary account ("cardholder account"); retrieving transaction information from a stored data file 114 (see FIG. 3; see also col. 5, lines 65-67); replacing the primary account number with the secondary transaction number to initiate a second party inquiry (see col. 12, lines 1-7); wherein the second party inquiry references only the secondary transaction number (see id.).

In regard to claim 2, Stein further discloses the steps of: determining if a valid approval code is associated with the secondary transaction number in payout-chargeback-notification message sent to seller (see col. 12, lines 1-7); and charging

Art Unit: 3692

back to the second party the amount of the transaction, if a valid approval code does not exist. Stein discloses the buyer's (first party's) indication 152 of willingness to allow transfer of funds via message 150 (see FIG. 6F). Said willingness corresponds to identifiers 142 and 144, and acts as a transaction approval code or signal. It follows that if willingness indicator 152 is "no" or "fraud" (i.e. if the valid approval indicator "yes" is not associated with the secondary transaction number) (see col. 8, lines 11-18), and the transaction occurs, then the dispute will be resolved in favor of the buyer, and the chargeback will occur (see col. 11, line 54 – col. 12, line 7).

### ***Response to Arguments***

Applicant's arguments filed May 21, 2007 have been fully considered but they are not persuasive. In view of the new matter rejection above, the amendments on which Applicant's arguments are based have not been considered, and thus the arguments are moot.

In the Remarks filed May 21, 2007, the Applicant recites, "Applicants submit herewith a supplemental IDS citing those references and providing copies thereof" (page 3). The noted IDS and references were not included in the accompanying amendments, and therefore have not been considered by the Examiner.

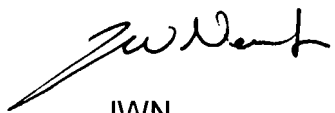
Art Unit: 3692

**Conclusion**

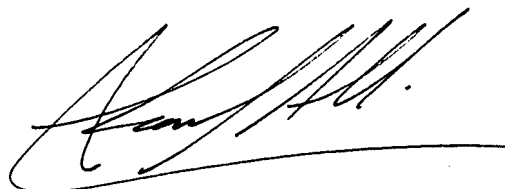
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared W. Newton whose telephone number is (571) 272-2952. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JWN  
August 13, 2007



KAMBIZ ABDI  
PRIMARY EXAMINER